

U.S. Customs and Border Protection Update on the CBP National Use of Force Review Board

Over the last five years U.S. Customs and Border Protection (CBP) has taken steps to increase our accountability and transparency with respect to use of force incidents. Building upon the investigative work of the CBP Use of Force Incident Team (UFIT) process, the CBP National Use of Force Review Board (NUFRB) meets regularly to review significant use of force incident investigations, and through that review process, notes recommendations for improvements and updates in policy, training, tactics, and equipment. NUFRB members include senior U.S. government personnel from inside and outside of CBP. NUFRB members include representatives from CBP's Office of Field Operations, U.S. Border Patrol, and Air and Marine Operations; representatives also participate from U.S. Immigration and Customs Enforcement's Office of Professional Responsibility, the U.S. Department of Justice – Civil Rights Division, the DHS Office for Civil Rights and Civil Liberties, CBP's Laboratories and Scientific Services Directorate, and CBP's Law Enforcement Safety and Compliance Directorate. Additional CBP support for the NUFRB process comes from the Office of Professional Responsibility, Office of Chief Counsel and Office of Public Affairs.

Ten NUFRB meetings have been convened, beginning in June 2015, with additional NUFRB meetings scheduled this year. The NUFRB has reviewed and issued determinations in 30 significant use of force incidents. Seventeen case summaries are posted online at <https://www.cbp.gov/newsroom/stats/cbp-use-force/case-summaries>. Additional case summaries will be released as they become available.

To date, a total of 31 recommendations have been issued by the CBP NUFRB:

- **10 equipment recommendations**, including about the addition of protective gear, detailed function checks and equipment testing, improved cross-agency radio communications coordination, and the incorporation of new forward-looking infrared (FLIR) technology.
- **9 training recommendations**, concerning scenarios about using safe tactics when dealing with mentally disturbed individuals and responding to critical incidents, self-assessment and situational awareness training, and simulator training stressing the importance of partner-to-partner communication.
- **8 policy recommendations**, including about oversight of shift rotations, ensuring agents and officers are properly equipped with sufficient safety resources, reducing turnaround time for after action reports, and guidelines regarding agent and officer encounters with subjects in CBP custody.
- **3 policy/training recommendations** dealing with communication protocols and standardization of terminology between crew members and between vessels, training in safe tactics, and policy regarding responsibilities in relation to off-duty and criminal activity covered by state laws.
- **1 tactics/training recommendation** to study the bodily harm potential to an agent or officer of projectiles of different sizes, from different distances, and at different velocities.

Of the 31 recommendations, 16 have been implemented, 12 are under review to determine feasibility and operational impact, and three are awaiting implementation.

The 16 implemented recommendations include:

- New training aides for cross-fire scenarios
- Development of reality-based shoot and no-shoot training scenarios involving rock throwing
- Distribution of pocket card to agents pertaining to the legality of checkpoint operations and 4th Amendment rights
- Radio communications between local, state, and other federal law enforcement personnel standardized agency-wide
- Field testing of additional vehicle arresting device options
- Exploring new handheld forward-looking infrared (FLIR) technologies or thermal binocular technologies available
- Research potential damage different projectiles can cause an agent to include rocks of different sizes, velocity, and distances.

CBP plans to implement the pending recommendations before September 30, 2018.

CBP will continue to issue periodic NUFRB progress reports and to improve the safety and effectiveness of its officers, agents and the public CBP serves.